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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,135	06/22/2000	Besma Kraiem	450117-02632	7356

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EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 06/04/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/599,135

Applicant(s)

KRAIEM ET AL.

Examiner

Brandon J Miller

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 83-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 83-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2683

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 83-84 and 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhart in view of Fifield.

Regarding claim 83 Barnhart teaches a communication device adapted for communication between the communication device and another communication device (see col. 5, lines 22-25). Barnhart teaches means for sending a request message to the other communication device in order to receive a transmit power information (see col. 5, lines 30-41 & 60-62). Barnhart teaches means for receiving a report message from the other communication device created in response to the request message and including an indication of a transmit power information used to transmit the report message (see col. 6, lines 7-11 & 19-22). Barnhart teaches means for dynamically adapting the optimal transmit power for communicating with the other communication device in accordance with the indication of the transmit power information so that the transmit power of the communication device is similar to the optimal transmit power (see col. 5, lines 28-44 and col. 6, lines 7-11). Barnhart does not specifically teach peer-to-peer wireless communication. Fifield teaches peer-to-peer wireless communication (see col. 3, lines 49-56). It would have been obvious to one of ordinary skill in the art at the time the invention

Art Unit: 2683

was made to make the device adapt to include peer-to-peer wireless communication because this would allow for efficient allocation of resources in a communication system with multiple network devices.

Regarding claim 84 Barnhart teaches a communication device adapted for communication between the communication device and another communication device (see col. 5, lines 22-25). Barnhart teaches means for sending a request message to the other communication device in order to receive a transmit power information (see col. 5, lines 30-41 & 60-62). Barnhart teaches means for receiving a report message from the other communication device created in response to the request message (see col. 6, lines 7-11 & 19-22). Barnhart teaches means for controlling the transmit power of a communication device on the basis of transmit power information so that the communication device can dynamically adapt an optimal transmit power for an identified communication device (see col. 5, lines 28-44 and col. 6, lines 7-11). Barnhart does not specifically teach peer-to-peer wireless communication or identification information uniquely identifying the other communication device. Barnhart does teach a request message and a report message that can be coded to include information uniquely identifying the radio application being used (see col. 6, lines 7-12, col. 9, lines 11-20 and FIGS. 2-4). Fifield teaches peer-to-peer wireless communication and a plurality of communication devices (see col. 3, lines 49-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include peer-to-peer wireless communication and identification information uniquely identifying the other communication device because this would allow for efficient control of signal transmission power in communication systems using multiple communication links.

Art Unit: 2683

Regarding claim 86 Barnhart teaches a communication device adapted for communication between the communication device and another communication device (see col. 5, lines 22-25). Barnhart teaches sending a request message to the other communication device in order to receive a transmit power information (see col. 5, lines 30-41 & 60-62). Barnhart receiving a report message from the other communication device created in response to the request message and including an indication of a transmit power information used to transmit the report message (see col. 6, lines 7-11 & 19-22). Barnhart teaches dynamically adapting the optimal transmit power for communicating with the other communication device in accordance with the indication of the transmit power information so that the transmit power of the communication device is similar to the optimal transmit power (see col. 5, lines 28-44 and col. 6, lines 7-11). Barnhart does not specifically teach peer-to-peer wireless communication. Fifield teaches peer-to-peer wireless communication (see col. 3, lines 49-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include peer-to-peer wireless communication because this would allow for efficient allocation of resources in a communication system with multiple network devices.

Regarding claim 87 Barnhart teaches a communication device adapted for communication between the communication device and another communication device (see col. 5, lines 22-25). Barnhart teaches sending a request message to the other communication device in order to receive a transmit power information (see col. 5, lines 30-41 & 60-62). Barnhart teaches receiving a report message from the other communication device created in response to the request message (see col. 6, lines 7-11 & 19-22). Barnhart teaches controlling the transmit power of a communication device on the basis of transmit power information so that the

Art Unit: 2683

communication device can dynamically adapt an optimal transmit power for an identified communication device (see col. 5, lines 28-44 and col. 6, lines 7-11). Barnhart does not specifically teach peer-to-peer wireless communication or identification information uniquely identifying the other communication device. Barnhart does teach a request message and a report message that can be coded to include information uniquely identifying the radio application being used (see col. 6, lines 7-12, col. 9, lines 11-20 and FIGS. 2-4). Fifield teaches peer-to-peer wireless communication and a plurality of communication devices (see col. 3, lines 49-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include peer-to-peer wireless communication and identification information uniquely identifying the other communication device because this would allow for efficient control of signal transmission power in communication systems using multiple communication links.

Claim 85 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhart in view of Fifield and Wheatley, III.

Regarding claim 85 Barnhart teaches a communication device adapted for communication between the communication device and another communication device (see col. 5, lines 22-25). Barnhart teaches means for sending a request message to the other communication device (see col. 5, lines 35-40). Barnhart teaches means for receiving a report message from the other communication device including an indication of a transmit power used to transmit the report message; and means for adapting the transmit power of the communication device on the basis of the indication of the transmit power (see col. 5, lines 60-62 and col. 6, lines 7-12). Barnhart does not specifically teach peer-to-peer wireless communication, means for

Art Unit: 2683

receiving wireless network information from an access point including an indication of a maximum transmit power of which the communication device is capable of transmitting in a communication channel, or using a lower transmit power level than the maximum transmit power. Barnhart does teach a request for using just enough power for signal quality to be acceptable (see col.5, lines 28-32). Fifield teaches peer-to-peer wireless communication and a plurality of communication devices (see col. 3, lines 49-56). Wheatley III teaches means for receiving wireless network link information from an access point including an indication of a maximum transmit power of which a communication device is capable of transmitting (see col. 4, lines 2-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include peer-to-peer wireless communication, means for receiving wireless network link information from an access point including an indication of a maximum transmit power of which the communication device is capable of transmitting in a communication channel, and using a lower transmit power level than the maximum transmit power because this would allow for improved adjustment of channel powers in a wireless communication system.

Regarding claim 88 Barnhart teaches a communication device adapted for communication between the communication device and another communication device (see col. 5, lines 22-25). Barnhart teaches sending a request message to the other communication device (see col. 5, lines 35-40). Barnhart teaches receiving a report message from the other communication device including an indication of a transmit power used to transmit the report message; and means for adapting the transmit power of the communication device on the basis of the indication of the transmit power (see col. 5, lines 60-62 and col. 6, lines 7-12). Barnhart does

Art Unit: 2683

not specifically teach peer-to-peer wireless communication, means for receiving wireless network link information from an access point including an indication of a maximum transmit power of which the communication device is capable of transmitting in a communication channel, or using a lower transmit power level than the maximum transmit power. Barnhart does teach a request for using just enough power for signal quality to be acceptable (see col.5, lines 28-32). Fifield teaches peer-to-peer wireless communication and a plurality of communication devices (see col. 3, lines 49-56). Wheatley III teaches receiving wireless network information from an access point including an indication of a maximum transmit power of which a communication device is capable of transmitting (see col. 4, lines 2-6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include peer-to-peer wireless communication, means for receiving wireless network link information from an access point including an indication of a maximum transmit power of which the communication device is capable of transmitting in a communication channel, and using a lower transmit power level than the maximum transmit power because this would allow for improved adjustment of channel powers in a wireless communication system.

***Response to Arguments***

Applicant's arguments with respect to claims 83-88 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2683

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saints WO 98/23044 PCT discloses a method and apparatus for adjusting thresholds and measurements of received signals by anticipating power control commands yet to be executed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 26, 2004



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**